

Court of Appeals, State of Michigan

ORDER

Jeanne Cole v Timothy A McHugh

Docket No. 257687

LC No. 03-001326-NH

Stephen L. Borrello
Presiding Judge

Richard Allen Griffin

Donald S. Owens
Judges

The Court orders that in lieu of granting the delayed application for leave to appeal, and pursuant to MCR 7.205(D)(2), the Washtenaw Circuit Court's May 25, 2004 order granting partial summary disposition without prejudice is VACATED, and this matter is REMANDED to the trial court for reconsideration of the defendants' motion in light of *Burton v Reed City Hosp Corp*, ___ Mich ___; ___ NW2d ___ (No. 124928, dec'd 1/26/05). The trial court shall also consider the issue whether *Burton* is to be applied retroactively.

We retain no further jurisdiction.



A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

FEB 16 2005

Date

Sandra Schultz Mengel
Chief Clerk